

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN ASSEMBLY MAY 4, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1336

Introduced by Assembly Member Eng

February 27, 2009

An act to ~~add~~ amend Section 40207 of, and to add and repeal Article 3.6 (commencing with Section 40245) ~~to~~ of Chapter 1 of Division 17 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1336, as amended, Eng. Vehicles: parking violations: digital ~~image~~ *photograph* recordings.

Existing law authorizes the City and County of San Francisco, until January 1, 2012, to enforce parking violations in specified transit-only traffic lanes through the use of video image evidence.

This bill would authorize a local public agency to ~~utilize~~ *install and operate* an automated parking enforcement system ~~that includes equipment installed~~ on local public agency-owned or local public agency-operated street sweepers for the purpose of digital ~~imaging~~ *photographing* of parking violations occurring in street-sweeping parking lanes during the designated hours of ~~street-sweeping~~ *street-sweeping* operations, except when the vehicle is parked in a street-sweeping parking lane during the designated hours of ~~street sweeping~~ *street-sweeping* operations after the street has already been cleaned, ~~and~~. *The bill also* would require the local public agency, *at least 30 days prior issuing notice of parking violations under these*

provisions, to commence a program make a public announcement of the automated parking enforcement system and to issue only warning notices for 30 days prior to issuing notices of parking violations during this 30-day period.

The bill would require a designated employee, who is qualified by the local public agency, to review the digital-image photograph recordings for determining whether these parking violations had occurred and to issue a notice of a parking violation to the registered owner within 15 days of the violation pursuant to a specified procedure. The digital-image photograph records would be confidential and would be available only to public agencies to enforce parking violations.

The bill would repeal these provisions as of January 1, 2015, and would make related changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40207 of the Vehicle Code, as amended
2 by Section 1 of Chapter 377 of the Statutes of 2007, is amended
3 to read:
4 40207. (a) The notice of delinquent parking violation shall
5 contain the information specified in subdivision (a) of Section
6 40202 or, subdivision (a) of Section 40241, or subdivision (a) of
7 Section 40248, as applicable, and Section 40203, and, additionally
8 shall contain a notice to the registered owner that, unless the
9 registered owner pays the parking penalty or contests the citation
10 within 21 calendar days from the date of issuance of the citation
11 or 14 calendar days after the mailing of the notice of delinquent
12 parking violation or completes and files an affidavit of nonliability
13 which that complies with Section 40208 or 40209, the renewal of
14 the vehicle registration shall be contingent upon compliance with
15 the notice of delinquent parking violation. If the registered owner,
16 by appearance or by mail, makes payment to the processing agency
17 within 21 calendar days from the date of issuance of the citation
18 or 14 calendar days after the mailing of the notice of delinquent
19 parking violation, the parking penalty shall consist solely of the
20 amount of the original penalty. Additional fees, assessments, or
21 other charges shall not be added.

(b) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.

SEC. 2. Section 40207 of the Vehicle Code, as added by Section 2 of Chapter 377 of the Statutes of 2007, is amended to read:

40207. (a) The notice of delinquent parking violation shall contain the information specified in subdivision (a) of Section 40202 or subdivision (a) of Section 40248, as applicable, and Section 40203, and, additionally shall contain a notice to the registered owner that, unless the registered owner pays the parking penalty or contests the citation within 21 calendar days from the date of issuance of the citation or 14 calendar days after the mailing of the notice of delinquent parking violation or completes and files an affidavit of nonliability ~~which~~ *that* complies with Section 40208 or 40209, the renewal of the vehicle registration shall be contingent upon compliance with the notice of delinquent parking violation. If the registered owner, by appearance or by mail, makes payment to the processing agency within 21 calendar days from the date of issuance of the citation or 14 calendar days after the mailing of the notice of delinquent parking violation, the parking penalty shall consist solely of the amount of the original penalty. Additional fees, assessments, or other charges shall not be added.

(b) This section shall become operative on January 1, 2012.

~~SECTION 1.~~

SEC. 3. Article 3.6 (commencing with Section 40245) is added to Chapter 1 of Division 17 of the Vehicle Code, to read:

Article 3.6. Procedure On Photo Enforcement and Digital
~~Imaging~~ *Photographing* of Parking Violations During Street
Sweeping

40245. (a) The Legislature finds and declares all of the following:

(1) Street sweepers operating throughout our nation and the world remove from streets and roads unnecessary pollutants, contaminants, chemicals, trash, and debris, which provides significant environmental and sanitation benefits, thereby protecting the environment and contributing to the health of people in communities worldwide.

(2) Each year, illegally parked private cars, trucks, and service vehicles on local streets and roads disrupt full street sweeping of as many as three parking spaces per illegally parked vehicle, resulting in significant debris, grease, oil, and other pollutants being needlessly washed into the stormwater drains.

(3) A major benefit of street sweeping, especially in more urbanized areas with higher areas of paving, is that by capturing pollutants before they are made soluble by rainwater, the need for stormwater treatment practices, which can be very costly when compared to collecting pollutants before they become soluble, may be reduced.

(4) According to an analysis by the District of Columbia Department of Public Works, an average of 10 pounds of oil and grease, three pounds of nitrogen and phosphorus, and up to two pounds of heavy metals are typically removed per mile swept of local streets and roads through street sweeping.

(5) According to an August 2004 technical report on “Trash Best Management Practices” submitted by the County of Los Angeles Department of Public Works, street sweeping and stricter enforcement of no parking regulations should “be utilized to the maximum extent practicable” to help prevent trash, litter, and other harmful pollutants from getting into the stormwater drain system.

(6) According to a July 2007 technical report titled “Trash Total Maximum Daily Loads for the Los Angeles River Watershed,” stormwater drain discharges are the “primary source of trash” in the waterbodies of the Los Angeles River Watershed, whereby unswept street litter is washed through the storm drain sewers into the Los Angeles River, the Estuary, the beaches at Long Beach, and the Pacific Ocean.

(7) In August 2007, after extensive studies, public meetings, and economic benefit analysis, the Los Angeles Regional Water Quality Control Board adopted a phased-in goal of “zero” discharges of man-made trash in the Los Angeles River Watershed by 2016, a goal that was subsequently approved by the State Water Resources Control Board in April 2008 and the United States Environmental Protection Agency in July 2008.

(8) Cities such as Chicago and Washington D.C. already utilize automated parking enforcement systems mounted on their local public agency-owned or local public agency-operated street sweepers, thereby employing proven technology to enforce existing

1 regulations and improve compliance with street-sweeping
2 regulations, which benefits the environment by helping reduce
3 waste and pollutants from entering storm-water drain systems.

4 (b) Therefore, it is the intent of the Legislature to allow local
5 public agency-owned or local public agency-operated street
6 sweepers to utilize automated parking enforcement systems to
7 serve the public interest by benefiting the environment, improving
8 water quality, decreasing stormwater drain runoff, and helping
9 reduce ongoing habitat deterioration.

10 40246. For the purposes of this article, the following terms
11 have the following meanings:

12 (a) “Local public agency” means a city, county, city and county,
13 district, or joint powers authority.

14 (b) “Street sweeper” means a mechanical vehicle that cleans
15 streets and roads, utilizing a broom, conveyor belt, vacuum, or
16 regenerative-air mechanism, among other mechanisms, to loosen,
17 carry, and collect debris, dust, grease, oil, metals, and other
18 pollutants from streets and roads.

19 (c) “Automated parking enforcement system” means the
20 installation and use of equipment that takes a digital camera-based
21 photograph and is linked with a violation detection system that
22 synchronizes the taking of the photograph with the occurrence of
23 a parking infraction.

24 (d) “Street-sweeping parking lane” means *the land designated*
25 *as a parking area on* any street or road routinely cleaned by street
26 sweepers during designated hours of operation as indicated on
27 schedule signs designated on both sides of the street or road.

28 40247. (a) A local public agency may ~~utilize~~ *install and*
29 *operate* an automated parking enforcement system ~~that includes~~
30 ~~the installation of equipment~~ on local public agency-owned or
31 local public agency-operated street sweepers for the purpose of
32 ~~digital imaging~~ *photographing* of parking violations occurring in
33 street-sweeping parking lanes. The equipment shall be angled and
34 focused so as to capture ~~digital images~~ *photographs* of license
35 plates on vehicles violating designated street-sweeping regulations
36 and shall not unnecessarily capture identifying ~~images~~ *photographs*
37 of other drivers, vehicles, or pedestrians. *The equipment shall only*
38 *capture digital photographs when the automated parking*
39 *enforcement system detects the occurrence of a parking infraction.*
40 Notwithstanding subdivision (e) of Section 40248, only a local

1 public agency may operate an automated parking enforcement
2 system.

3 (1) A citation shall be issued only for violations captured during
4 the designated hours of operation for a street-sweeping parking
5 lane.

6 (2) A citation shall not be issued, under the provisions of this
7 article, for a vehicle that is parked on the street during the
8 designated hours of operation for a street-sweeping parking lane
9 when the vehicle is parked on the street after the street has been
10 cleaned by a street sweeper.

11 (b) ~~Prior~~ *At least 30 days prior* to issuing notices of parking
12 violations pursuant to subdivision (a) of Section 40248, a local
13 public agency utilizing an automated parking enforcement system
14 pursuant to this article ~~shall commence a program to issue only~~
15 ~~warning notices for 30 days. The local public agency shall also~~
16 ~~make a public announcement of the automated parking enforcement~~
17 ~~system at least 30 days prior to the commencement of issuing these~~
18 ~~notices.~~ *shall make a public announcement of the automated*
19 *parking enforcement system and shall only issue warning notices*
20 *during this 30-day period.* This subdivision does not affect the
21 authority of a local public agency to issue notices of parking
22 violations through a manual system before, during, or after the
23 30-day warning period in this subdivision.

24 (c) A designated employee for the local public agency, who is
25 qualified by the local public agency to issue parking citations, shall
26 review digital ~~image recordings~~ *photographs* for the purpose of
27 determining whether a parking violation occurred in a
28 street-sweeping parking lane. A violation of a statute, regulation,
29 or ordinance governing parking under this code, under a federal
30 or state statute or regulation, or under an ordinance enacted by the
31 local public agency occurring in a street-sweeping parking lane
32 observed by the designated employee in the ~~recordings~~ *photographs*
33 is subject to a civil penalty.

34 (d) ~~The registered owner at the time of the alleged violation~~
35 ~~shall be permitted to review the digital image evidence of the~~
36 ~~alleged violation on the Internet or during normal business hours~~
37 ~~at no cost.~~

38 (e)

39 (d) (1) Except as it may be included in court records described
40 in Section 68152 of the Government Code, or as provided in

paragraph (2), the digital~~-image~~ *photograph* evidence may be retained for up to six months from the date the information was first obtained, or 60 days after final disposition of the citation, whichever date is later, after which time the information shall be destroyed in a manner that shall preserve the confidentiality of any person included in the record or information.

(2) Notwithstanding Section 26202.6 of the Government Code, digital~~-image~~ *photograph* evidence from automated parking enforcement systems that does not contain evidence of a parking violation occurring in a street-sweeping parking lane shall be destroyed within 15 days after the information was first obtained *in a manner that shall preserve the confidentiality of any person included in the information.*

(f)

(e) Notwithstanding Section 6253 of the Government Code, or any other provision of law, the digital~~-image-records~~ *photographs* made by an automated parking enforcement system shall be confidential. Local public agencies shall use and allow access to these~~-records~~ *photographs* only for the purposes authorized by this article.

40248. (a) A designated employee for the local public agency shall issue a notice of a parking violation to the registered owner of a vehicle within 15 calendar days of the date of the violation. The notice of violation shall set forth the violation of a statute, regulation, or ordinance governing vehicle parking under this code, under a federal or state statute or regulation, or under an ordinance enacted by the local public agency occurring in a street-sweeping parking lane, a statement indicating that payment is required within 21 calendar days from the date of citation issuance, and the procedure for the registered owner to deposit the parking penalty or contest the citation pursuant to Section 40215. The notice of a parking violation shall also set forth the date, time, and location of the violation, the vehicle license number, registration expiration date if visible, the color of the vehicle, and, if possible, the make of the vehicle. *The notice of parking violation shall include a copy of the digital photograph evidence. Except as provided in paragraph (1) of subdivision (d) of Section 40247, the notice of parking violation, or copy of the notice, shall be considered a record kept in the ordinary course of business of the local public agency and shall be prima facie evidence of the facts contained in*

1 the notice. ~~The local public agency shall send information regarding~~
2 ~~the process for requesting review of the digital image evidence~~
3 ~~along with the notice of parking violation.~~

4 (b) The notice of parking violation shall be served by depositing
5 the notice in the United States Postal Service to the registered
6 owner's last known address listed with the Department of Motor
7 Vehicles. Confidential information obtained from the Department
8 of Motor Vehicles for the administration or enforcement of this
9 article shall be held confidential, and may not be used for any other
10 purpose. Proof of mailing demonstrating that the notice of parking
11 violation was mailed to that address shall be maintained by the
12 local public agency. If the registered owner, by appearance or by
13 mail, makes payment to the processing agency or contests the
14 violation within either 21 calendar days from the date of mailing
15 of the citation, or 14 calendar days after the mailing of the notice
16 of delinquent parking violation, the parking penalty shall consist
17 solely of the amount of the original penalty.

18 (c) If, within 21 days after the notice of parking violation is
19 issued, the local public agency determines that, in the interest of
20 justice, the notice of parking violation should be canceled, the
21 local agency shall cancel the notice of parking violation pursuant
22 to subdivision (a) of Section 40215. The reason for the cancellation
23 shall be set forth in writing.

24 (d) Following an initial review by the local agency, and an
25 administrative hearing, pursuant to Section 40215, a contestant
26 may seek court review by filing an appeal pursuant to Section
27 40230.

28 (e) The local public agency may contract with a private vendor
29 for the ~~installation and maintenance of the automated parking~~
30 ~~enforcement system in addition to the~~ processing of notices of
31 parking violations and notices of delinquent violations, if the local
32 public agency maintains overall control and supervision of the
33 automated parking enforcement system.

34 *40249. By January 1, 2014, a local public agency that utilizes*
35 *an automatic parking enforcement system pursuant to this article*
36 *shall collect and report to the Senate and Assembly Committees*
37 *on Judiciary, all of the following data:*

38 (a) *Number of citations issued for parking violations.*

39 (b) *Number of violations contested, and the final disposition of*
40 *those violations.*

1 (c) *An evaluation of the overall effectiveness of the program.*

2 (d) *An evaluation of the privacy implications of the system,*
3 *including a summary of any privacy-related complaints about the*
4 *system.*

5 40249.5. *This article shall remain in effect only until January*
6 *1, 2015, and as of that date is repealed, unless a later enacted*
7 *statute, that is enacted before January 1, 2015, deletes or extends*
8 *that date.*

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